



12 MAY 2008

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ATTENTION: DOCKETING DEPARTMENT
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In re Application of
Wanker et al. :
Application No. 10/589,276 :
PCT No.: PCT/EP05/01389 :
Int. Filing Date: 11 February 2005 :
Priority Date: 11 February 2004 :
Atty. Docket No.: 009848-0356193 :
For: Novel Pharmaceutical And Diagnostic
Compositions For Use In The Treatment
And Diagnosis Of Neurodegenerative
Diseases Or Amyloid Diseases :
: DECISION

This is in response to the response filed on 10 March 2008.

DISCUSSION

In a Decision mailed on 10 December 2007, the declaration filed on 04 September 2007 was not accepted, without prejudice, because

Inspection of the declaration filed on 04 September 2007 reveals that the names of Phoebe Harjes and Dagmar Litscher have been altered. MPEP 605.04(b) states in part that

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.

Since the change described above represents more than a mere typographic error or phonetic misspelling of applicant's name, a petition (and fee) under 37 CFR 1.182 is required. *See also* MPEP § 201.03(b). In the absence of such a petition, it would not be appropriate to accept the declaration at this time. It is noted that the declaration is defective for the further reason that the alterations were not initialed.

In response, counsel has submitted "a newly executed Declaration for inventors Phoebe Markovic (formerly Harjes) and Dagmar Ehrnhöfer (formerly Litscher)." Counsel also states that "since a newly executed Declaration for inventors Markovic and Ehrnhöfer has been submitted by applicants to satisfy the missing requirements, that no petition fee is required." Counsel's attention is respectfully directed to MPEP 605.04(b), which states in part that

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.

In the instant case, the changes to the inventors' names appearing on the declaration as compared to the published international application constitute a correction requiring a formal petition under 37 CFR 1.182. Though the instant response includes a general fee authorization, it does not include the required formal petition under 37 CFR 1.182. It would be appropriate for such a petition to be accompanied by a statement from each inventor whose name is being changed attesting to the fact that she is the same inventor as named in the published international application, and attesting to the fact of the name change. In the absence of the required (grantable) petition, it would not be appropriate to grant the requested relief at this time.

CONCLUSION

The declaration is **NOT ACCEPTED**, without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
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